

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

UNITED STATES OF AMERICA

v.

LEVERT MARQUI OMONIYI

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CR 612-009

O R D E R

Pending before the Court is *pro se* Defendant Levert Omoniyi's motion to clarify sentence. (Doc. 25.) Defendant seeks clarification of his sentence of

120 months [imprisonment], to be served consecutively to the term of imprisonment he is serving on the state probation and parole revocations in Bulloch County Superior Court Docket Number 1B06CR300 and 1B06CR570E but concurrently with the term of imprisonment imposed in Bulloch County Superior Court Docket Number 1B11CR698.

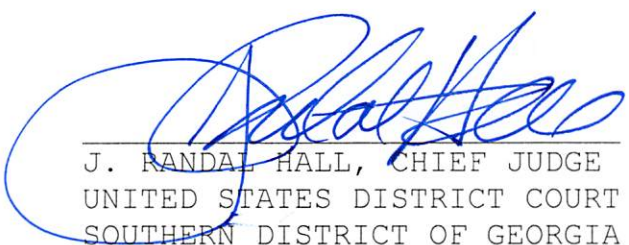
(Judgment and Commitment Order, Doc. 15, at 2.) Defendant states that he was supposed to be sent to a half-way house on September 30, 2020, but a technical error prevented that from happening. He now seeks an Order explaining how his sentence is to be carried out and an Order informing the Bureau of Prisons of his concurrent sentence.

To the extent Defendant is challenging the manner of execution of his sentence, a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is the appropriate legal vehicle to challenge the BOP's

decision regarding his half-way house placement. See Antonelli v. Warden, U.S.P. Atlanta, 542 F.3d 1348, 1352 (11th Cir. 2008) ("[C]hallenges to the execution of a sentence, rather than the validity of the sentence itself, are properly brought under § 2241."). Moreover, a § 2241 petition must be filed in the district of confinement rather than in the sentencing court. Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004). Thus, after exhausting his administrative remedies, Defendant must file a § 2241 petition in the Middle District of Pennsylvania to pursue such relief.

Upon the foregoing, Defendant's motion is **DENIED**. (Doc. 25.) The above quote from the Judgement and Commitment Order otherwise speaks for itself and no further comment is warranted.

ORDER ENTERED at Augusta, Georgia, this 22nd day of October, 2020.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA